

REMARKS

Claims 1-13 and 33-40 are now pending in this application. As no new matter has been added, Applicants respectfully request entry of these remarks at this time.

DOUBLE PATENTING REJECTION

During a phone conversation with Applicants' representatives, the Examiner issued a verbal rejection of claims 1-13 and 33-40 under the judicially created doctrine of obviousness-type double patenting as being obvious over the claims of U.S. Patent Nos. 5,888,437 and 5,733,428. Applicants object to this rejection to the extent that it does not appear anywhere on the record and, according to the Examiner, will not be stated in a written communication to Applicants.

In an effort to expedite allowance of the pending claims, however, Applicants submit herewith a Terminal Disclaimer in compliance with 37 CFR 1.321(c). As such, Applicants respectfully request reconsideration and withdrawal of the verbal double patenting rejection.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments and remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Fee Sheet Transmittal is submitted herewith to pay for the Terminal Disclaimer. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Swidler Berlin, LLP Deposit Account No. 195127, Order No. 20002.0057.

Respectfully submitted,  
SWIDLER BERLIN, LLP

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